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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,986	07/24/2002	Frank Hofmann	HOFM3001/JEK	7030

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EXAMINER

DURAND, PAUL R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/26/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,986

Applicant(s)

HOFMANN ET AL.

Examiner

Paul Durand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152). |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer
program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),
and tables having more than 50 pages of text are permitted to be
submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

“Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities:
 - a. The specification does not adhere to the arrangement as listed above.
 - b. The specification references claims to provide support for the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1 and 14, the use of "and/or" is indefinite in that it fails to limit the invention by specifying strapped or loose sheet material.

Claim 2 recites the limitation "deposit apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 5 and 11 recite the limitation "stack" in line 2 and line 3 respectively. There is insufficient antecedent basis for this limitation in the claim.

In regard to claims 9 and 10, it is not clear to the examiner what new information is being claimed.

In regard to claim 15, in line 9, it is not clear to the examiner what feature is being claimed.

Claim 17 recites the limitation "packet" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Zipf (US 2,923,587).

Zipf discloses the invention as claimed including depositing loose sheet material, transport unit comprised of rollers 49a – 49d, stacking unit 98 which deposits the sheet material in bin 52 (see Figs. 2,4,5, C3, L38-55 and C4, L11-19).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4,9,10,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zipf in view of Pennini et al (US 5,996,314).

In regard to claim 1, Zipf discloses the invention substantially as claimed including depositing loose sheet material, transport unit comprised of rollers 49a – 49d, stacking unit 98 which deposits the sheet material in bin 52 (see Figs. 2,4,5, C3, L38-55 and C4, L11-19). What Zipf does not disclose is the use of a strapping machine to wrap the currency or sheets of material. However, Pennini teaches that it is old and well known in the art of currency strapping to provide a transporting mechanism consisting of belts 23 and 25, that transport sheets of currency to a stacking and strapping stations 51 and 53 and drops it into a discharge bin 17 and 19 for the purpose of wrapping a predetermined number of bills to increase counting efficiency (see Figs.

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2,6 and C3, L16-32). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the invention of Zipf with the strapping apparatus as taught by Pennini for the purpose of increasing counting efficiency.

In regard to claim 2, Zipf discloses the invention substantially as claimed including a plate 50 that guides the sheet material and is positioned above the bin 52 when the bin is in an operating mode and is positioned away from the bin when the bin is in a second non operating mode (see Fig. 2).

In regard to claim 3, Zipf and Pennini disclose the invention substantially as claimed except for a strapping unit swivel mounted on a door. It would have been an obvious matter of design choice to mount a strapping unit on a door, since applicant has not disclosed that the specific mounting location solves any stated problem or is for any particular purpose and it appears the invention would do equally well with the strapping unit mounted inside the machine.

In regard to claim 4, Zipf discloses the invention substantially as claimed except for the use of multiple bins. However, Pennini teaches that it is old and well known in the art or currency strapping to provide multiple stacking and strapping stations 51 and 53 with associated discharge bins 17 and 19 that operate in tandem for the purpose of efficiently sorting and wrapping currency (see fig. 2).

In regard to claims 9 and 10, Zipf discloses the invention substantially as claimed including a bin 52, that is arranged to be removable and arranged in a safe manner inside a reinforced machine (see Fig. 2, and C4, L3-10)

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In regard to claims 12 and 13, Zipf discloses the invention substantially as claimed except for the use of a gripper and a printing unit. However, Pennini teaches that it is old and well known in the art or currency strapping to provide a gripper in the form of stacker wheels 47 and 49 which transport the sheet to the strapping unit 51 and 53. Furthermore Pennini also teaches that it is old and well known to provide printing means 163 which prints information on the strap with data for the purpose of increasing strapping and printing efficiency (see Fig. 2,7, and C7, L12-28).

9. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zipf in view of Pennini et al and in further view of Tsuji (US 4,369,360).

Zipf discloses the invention substantially as claimed including micro switches 113 and 115 that index the stack of sheets downward as more sheets are added (see C4, L49-64). What Zipf does not disclose is the use of sensors to perform this function. However, Tsuji teaches that it is old and well known in the art of stacking to provide sensors 32A and 32B control circuit 42 to control the height of the storage in response to added sheets for the purpose of preventing the overflow of sheet material (see Fig. 2 and C4, L5-64). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the invention of Zipf with the sensors as taught by Tsuji for the purpose of preventing the overflow of sheet material.

Furthermore, in regard to claims 7 and 8, While Zipf discloses the use of a apparatus that is not capable of strapping, Pennini teaches that it is old and well known to provide a stacking apparatus with a strapping unit.

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10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zipf in view of Tsuji.

Zipf discloses the invention substantially as claimed including micro switches 113 and 115 that index the stack of sheets downward as more sheets are added (see C4, L49-64). What Zipf does not disclose is the use of sensors to perform this function. However, Tsuji teaches that it is old and well known in the art of stacking to provide sensors 32A and 32B control circuit 42 to control the height of the storage in response to added sheets for the purpose of preventing the overflow of sheet material (see Fig. 2 and C4, L5-64). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the invention of Zipf with the sensors as taught by Tsuji for the purpose of preventing the overflow of sheet material.

Allowable Subject Matter

11. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 11 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haberstroh et al, Golicz et al, Martin et al, Takahashi et al and Neri have been cited to show devices having similar structure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 703-305-4962. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Paul Durand
September 11, 2003



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700